



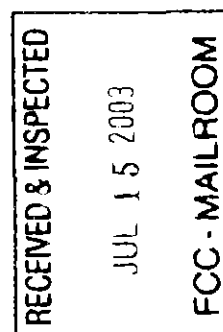
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CE/C203

Federal Communications Commission
Washington, D.C. 20554

July 11, 2003

Mike Hubbard, President
Auburn Network, Inc
Post Office, Box 950
Auburn, Alabama 36831-0950



Dear Mr. Hubbard

This is in response to the petition for rule making you filed requesting the allotment of Channel 228 at Shorter, Alabama, as the community's first local aural transmission service. To accommodate the allotment, you also requested the downgrade of Station WDJC(FM) at Birmingham, Alabama, from Channel 229C to Channel 229C0

We have reviewed the proposal and find that it is unacceptable for consideration at this time. It is Commission policy that a petitioner proposing both amendment of the FM Table of Allotments and reclassification of a Class C FM station must certify that no alternate channel is available for the proposed service. See 47 C.F.R. §§ 73.3573, n.4 and 1.420(g), n.2. See also *Second Report and Order, 15 FCC Rcd at 21,662, ¶26*. You have failed to provide the requisite certification. Petitions absent such certification are subject to dismissal.

Therefore, we are returning your petition for rule making. You may refile your petition, provided that your proposal meets all of the Commission's procedural and technical requirements.

Sincerely,

John A. Karousos
Assistant Chief, Audio Division
Media Bureau

Enclosures

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D C

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MAY 21 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

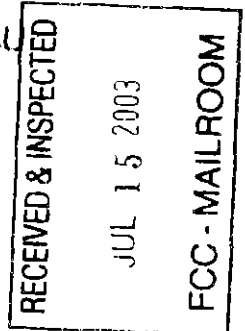
In the matter of)
)
Amendment of Section 73.202(b)) MM Docket No _____
Table of Allotments.)
FM Broadcast Stations) RM _____
(Shorter, Alabama))

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MAY 22 2003

To The Chief, Allocations
Mass Media Bureau

MEDIA BUREAU



PETITION FOR RULE MAKING (Shorter, AL)

Now comes Auburn Network, Inc ("ANI") before the Policy and Rules Division to petition for the allocation of a new FM radio channel at Shorter, Alabama on channel 228A. No other changes to existing stations is required to place channel 228A at Shorter other than a trigger of WDJC Birmingham, AL on channel 229C. According to the CDBS, WDJC is operating with an antenna height of 307 meters instead of 451(+) meters, and as of May 15, 2003 did not have an application on file to maintain a class "C" designation.

Therefore, ANI requests the FCC issue a notice to the licensee of WDJC that it be triggered to class C0 immediately and that channel 228A be put at Shorter as a result of that trigger.

Petitioner's Exhibit A shows that channel 228A can be placed at Shorter without creating short spacing once WDJC is triggered to class C0. Petitioner's Exhibit B is a map with a 16.2-kilometer circle representing 70 dBu. It shows that this new channel gives city grade strength to Shorter.

According to the CDBS, The FCC can send the trigger notice to the WDJC licensee at

Our records contain the following address(es) for above licensee(s)

CALL SIGN		WDJC-FM			
LICENSEE		KIMTRON, INC			
MAILING ADDRESS		P O BOX 3003			
CONTINUED ADDRESS					
CITY	BLUE BELL	STATE	PA	ZIP	19422-0735

Auburn Network, Inc will file an application for a CP to own and operate a new FM station of channel 228A at Shorter, AL after the FCC puts the new channel there

Auburn Network, Inc has attached a proper signature page and verification to the petition for rule making

Auburn Network, Inc certifies that it has sent a copy of this petition to the WDJC licensee at the following address,

CALL SIGN		WDJC-FM			
LICENSEE		KIMTRON, INC			
MAILING ADDRESS		P O BOX 3003			
CONTINUED ADDRESS					
CITY	BLUE BELL	STATE	PA	ZIP	19422-0735


Based on the data given to Auburn Network, Inc , the FAA will not allow a tower high enough to give WDJC an antenna of 451 meters So, the licensee should have no problem with the C0 trigger.

Certification

We, Auburn Network, Inc., do hereby verify that all claims, representations, and statements, contained in this petition for rule making are true and correct to our best knowledge and belief. Based on the engineering prepared for us at the date of the allotment studies, channel 228A can be allotted to Shorter, AL, by following the procedure presented in the petition.

Thank you for your prompt consideration of this matter.

**Respectfully Submitted,
Auburn Network, Inc.**


By Mike Hubbard, President

Mike Hubbard
President, Auburn Network, Inc
Post Office Box 950
Auburn , AL 36831-0950

WDJCFM, Shorter AL
Channel Spacing Study

REFERENCE		DISPLAY DATES
32 21 39 N	CLASS = A	DATA 04-24-03
85 53 34 W	Current Spacings	SEARCH 05-15-03
----- Channel 228 - 93.5 MHz -----		

Call	Channel	Location		Dist	Azi	FCC	Margin
WDJCFM LIC 229C0	Birmingham	AL	151 50	322 8	152 0	-0 50	
WVFJFM LIC 227C1	Manchester	GA	132 51	52 2	133.0	-0 49	
WSFUFM LIC 231A	Union Springs	AL	30 51	164 2	31.0	-0 49	
WVFJFM APP 227C1	Manchester	GA	136 49	68 0	133 0	3 49	
WPGG LIC 227C1	Evergreen	AL	142.40	224 0	133.0	9 40	
WRJMFm LIC 229C1	Geneva	AL	146.03	182.5	133.0	13 03	
RADD ADD 228C3	Morgan	GA	158 13	126.2	142 0	16.13	
WPGG C CP 227C1	Evergreen	AL	151.05	214 2	133.0	18 05	
RADD ADD 230A	Opelika	AL	56 02	56 0	31 0	25 02	
WQLD LIC 282C1	Luverne	AL	49 82	210 6	22 0	27 82	
RADD ADD 228A	Morgan	GA	152 60	126 5	115.0	37 60	

AD228, Shorter, Alabama
Allocation Study Map

